

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	4:05CR3016
	)	
Plaintiff,	)	<b>MEMORANDUM</b>
vs.	)	<b>AND ORDER</b>
	)	
BRIAN R. MOORE,	)	
	)	
Defendant.	)	

This matter is before the court on a written report and recommendation by Magistrate Judge Piester, issued on September 1, 2005 (filing 45), recommending that Defendant's motion to suppress (filing 27) be granted in part and denied in part. Neither party has filed a statement of objections pursuant to NECrimR 57.3 and 28 U.S.C. § 636(b)(1).

I have conducted a de novo review of the record. I find that inasmuch as the Magistrate Judge has fully, carefully, and correctly found the facts and applied the law, the report and recommendation should be adopted and Defendant's motion to suppress should be granted in part and denied in part as provided in the report and recommendation.

**IT IS ORDERED** that:

1. the Magistrate Judge's report and recommendation (filing 45) is adopted; and
2. Defendant's motion to suppress (filing 27) is granted to the extent that any statements made by Defendant, excluding personal identification and volunteered information, elicited during the custodial interrogations

that were conducted prior to Defendant being advised of his Miranda rights, as detailed in the report and recommendation, are inadmissible. In all other respects, Defendant's motion to suppress is denied.

DATED: September 22, 2005.

BY THE COURT:

s/ *Richard G. Kopf*  
United States District Judge